

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

Claims 3, 4, 6-8, and 10-12 stand withdrawn from consideration as being directed toward non-elected subject matter.

Claims 1 and 2 stand rejected, under 35 USC §103(a), as being unpatentable over Saito (US 2006/0255686) in view of Jaster et al. (US 5,545,942). Claims 5, 9, and 13 stand rejected, under 35 USC §103(a), as being unpatentable over Saito (US 2006/0255686) in view of Jaster et al. (US 5,545,942) and Takayoshi et al. (JP 2000-165995). The Applicants respectfully traverse these rejections as follows.

The present application is a national phase of a PCT international application having a filing date of September 30, 2004. Saito is based on a PCT international application filed September 17, 2004, but not published in English, and Saito's PCT international publication date is March 31, 2005. Therefore, Saito does not qualify as a prior art reference, under the provisions of 35 USC 102/103, against the present claimed invention.

Moreover, even if Saito did qualify as a reference based on its U.S. filing date under 35 USC 102(e), both Saito's application and the present application were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same owner, Matsushita Electric Industrial Co. Ltd., now Panasonic Corporation. Therefore, under the provisions of 35 USC §103(c), Saito would still be disqualified as a 35 USC §103(a) reference against the present application.

Because all of the rejections rely on Saito, withdrawal of all rejections and allowance of claims 1, 2, 5, 9, and 13 is warranted.

Furthermore, contrary to the Office Action's proposal (see Office Action, paragraph bridging pages 3 and 4), Jaster's disclosed thermal potting material 26, illustrated in Fig. 3, does not correspond to the backing member recited in claims 1, 2, 5, 9, and 13. Thus, Jester does not disclose an arrangement of a heat conduction material or a heat sink placed inside a backing member. Furthermore, Jaster's heat conductors 22 are not placed on a side of a backing layer or in contact with the backing layer. Thus, it is submitted that Jaster does not disclose the subject matter alleged in the Office Action.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 008638-06105  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6966  
Facsimile: (202) 659-1559